



11 JUN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael L Goldman
Nixon Peabody
Clinton Square
PO Box 31051
Rochester NY 14603

In re Application of	:	
BELFORT et al.	:	
Application No.: 10/524,509	:	DECISION
PCT No.: PCT/US03/25248	:	
Int. Filing Date: 13 August 2003	:	
Priority Date: 14 August 2002	:	
Attorney Docket No.: 18001/5054	:	
For: IMPRINTING A SUBSTRATE FOR	:	
SEPARATION OF A TARGET MOLECULE FROM	:	
A FLUID MEDIUM	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 11 January 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 August 2003, applicants filed international application PCT/US03/25248, which designated the United States and claimed a priority date of 14 August 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 26 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 February 2005.

On 14 February 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date, and an assertion of small entity status.

On 09 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 January 2006, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a petition/fee for a five-month extension

of time, and a statement of Elizabeth LaBarge in support of the 37 CFR 1.47(a) petition.

On 09 March 2007, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 11 January 2006.

DISCUSSION

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has not been met. The declaration of Elizabeth LaBarge has been considered. It is alleged that the non-signing inventor Mina Han cannot be found. The letter from DHL dated 23 December 2005 states that DHL was "unable to complete delivery of your shipment [] because additional information is required." It is not clear from the declaration of Elizabeth LaBarge whether she ever contacted DHL to inquire as to what additional information DHL required. Additionally, it does not appear that an internet search using a people locator service has been made. Further, perhaps the university of Mina Han's last known address can be contacted to determine whether she is still at the university and, if not, to determine whether the university has any forwarding address.

Notice of Acceptance mailed 09 March 2007

For the reasons set forth above, 35 U.S.C. 371(c)(4) has not been met. Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 09 March 2007 is hereby VACATED.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

For the above reasons, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 09 March 2007 is hereby **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459